



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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November 25, 2020

By ECF

Honorable Peggy Kuo
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Maria Encalada v. United States of America,*
Civil Docket No. 19-CV-2351 (Komitee, J.) (Kuo, M.J.)

Dear Magistrate Judge Kuo:

This Office represents the United States of America in the above-referenced Federal Tort Claims Act matter, in which Plaintiff alleges that she was struck by a United States Post Office ("USPS") van while crossing the street. The parties respectfully write to request a 60-day extension of time from December 1, 2020 until February 1, 2021, to conduct the deposition of Ms. Judy Ann Richards, the USPS driver/employee, and a concomitant 60-day adjournment of the settlement conference scheduled on December 29, 2020 at 2 p.m., as well as the expert discovery deadlines.

With the consent of Plaintiff's counsel, we respectfully write to request additional time to complete the deposition of Ms. Richards because she is out on maternity leave. By way of background, the undersigned was assigned to this case in early September and made attempts to produce Ms. Richards for a deposition. The undersigned was unable to reach Ms. Richards directly, but Ms. Richards' manager at the Postal Service believed that Ms. Richards' due date was around the end of September and her lack of communication could be because of her recent hospitalization and/or newborn childcare. As a result, on September 22, 2020, the parties submitted a joint request to extend the deadlines in this matter. Since that time, the undersigned has not spoken with Ms. Richards directly, but the Postal Service confirmed that she is on maternity leave. Unfortunately, the Postal Service does not have information regarding her anticipated return date. The Postal Service has recently reached out to Ms. Richards by sending mail to her last known address, and will continue to ascertain her anticipated return date.

Due to the likelihood that Plaintiff will not be able to depose Ms. Richards prior to December 29, Plaintiff's counsel expressed an interest in adjourning any settlement conference until after the deposition is completed and requested an extension of the deadlines for expert discovery. The Government consents to this request.

Accordingly, the parties respectfully request a 60-day extension of time to conduct the deposition of Ms. Richards, and a concomitant 60-day adjournment of the settlement conference scheduled on December 29, 2020, as well as the expert discovery deadlines.

The parties thank the Court for its consideration herein.

Respectfully submitted,

SETH D. DUCHARME
Acting United States Attorney

By: /s/
Matthew J. Modafferi
Assistant U.S. Attorney

cc: All counsel of record (By ECF)